

MINUTES

COMMITTEE OF THE WHOLE

November 8, 2017

A meeting of the Committee of the Whole of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Mel Rapozo, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, November 8, 2017, at 9:01 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

The Committee proceeded on its agenda item, as follows:

ES-928 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, requests an Executive Session with the Council, to provide the Council with a briefing on Mark N. Begley vs. County of Kaua'i et al., Civil Number 16-00350 LEK KJM (United States District Court), and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-928, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Councilmember Kagawa.

Councilmember Kagawa: I just have one (1) burning question and I am sorry that they may have to wait, but I just want to know is Mr. Begley still on paid leave and how long has it been? This should be quick. I think the public deserves to know that this thing is taking a while and we have a high paid member of the Police on paid leave for a very long time.

Council Chair Rapozo: The rules are suspended. Mr. Trask.

There being no objections, the rules were suspended.

Councilmember Kagawa: Is he still on paid leave and how long has it been since he has been on paid leave?

MAUNA KEA TRASK, County Attorney: *Aloha*, for the record, Mauna Kea Trask, County Attorney. I would actually prefer to speak about that in Executive Session, if that is okay.

Councilmember Kagawa: Oh. The public cannot know whether employees are on paid leave or not?

Mr. Trask: Well...

Councilmember Kagawa: Not right now? If you cannot answer it, you cannot answer it.

Mr. Trask: I would like to look at 92(f)(14), if there are any specifics.

Councilmember Kagawa: Okay.

Mr. Trask: I know there is specific confidentiality provisions when it goes to the State of Hawai'i Organization of Police Officers (SHOPO) members.

Councilmember Kagawa: Okay.

Mr. Trask: There is a little analysis that I would like to do first, but we can talk about it in the back, and in the meantime, I can do an analysis. If it is appropriate, I can after the answer after we come out.

Councilmember Kagawa: Okay.

Council Chair Rapozo: Any further questions for Mr. Trask? If not, thank you.

The meeting was called back to order and proceeded as follows:

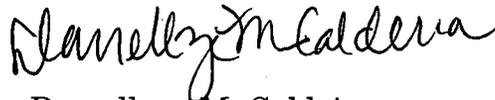
The motion to convene in Executive Session for ES-928 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: With that, we will take a short recess. I cannot tell you how long this will be. Mauna Kea, does half an hour sound okay? So, thirty (30) minutes, it should take at the most, and then we will convene in the open session right after that. With that, we will take a recess. Thank you.

The meeting was called back to order at 12:58 p.m., and there being no further business, the meeting was adjourned at 12:58 p.m.

Respectfully submitted,



Darrellyne M. Caldeira
Council Services Assistant II

APPROVED at the Committee Meeting held on November 29, 2017:



MEL RAPOZO
Chair, COW Committee